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Novak Druce + Quigg LLP
CityPlace Tower, 525 Okeechobee Blvd.
Fifteenth-Floor
WEST PALM BEACH, FL 33401

EXAMINER
LEWIS, ALICIA M

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 January 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7 and 22-35</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7 and 22-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed January 16, 2009. Claims

1, and 2 are currently amended, claims 8-21 are canceled, and claims 22-35 have been

added. Thus claims 1-7 and 22-35 are pending in this application.

Specification

1.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: Claim 32 recites the term "computer readable storage",

however this term does not appear in the specification, and thus it is unclear as to what

the term "computer readable storage" embodies.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 2, 24, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

4.   Claims 2 and 24 recite the limitation "selecting the grammar files" and "displaying

the grammar files." However, it is unclear as to which "grammar files" the claims are

referring because claims 1 and 23 have several recitations of grammar files.

Furthermore, the limitation of displaying the grammar files is unclear because claims 1

and 23 already recite a limitation of displaying the first subset of files and the second

subset of files, and the subset of files all relate to grammar files.

5.   Claim 33 recites the limitation "the machine-readable storage" in lines 1-2 of the

claim. There is insufficient antecedent basis for this limitation in the claim.

6.   Claim 34 recites the limitation "the machine-readable storage" in lines 1-2 of the

claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-3, 5, 6, 22-25, 27, 28, 30-33 and 35 are rejected under 35 U.S.C.

103(a) (*current application effective filing date 9/17/2003*) as being unpatentable over

Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in view of

Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi').

        With respect to claims 1, 23 and 32, Hambleton teaches:

        a call flow development graphical user interface (Figures 5-7, paragraph 12);

        storing the grammar files in a memory (paragraph 26);

        receiving a request to visually display in the GUI the grammar files in the

presentation list (Figure 5, paragraph 47, *i.e. a user picking a grammar*);

retrieving the grammar files from the computer memory (Figure 5, paragraphs 26 and 47);

distinguishing between a first subset of files that contain user-defined grammars, each defining a grammar file written by a user (Custom grammars), and a second subset of files that contain built-in grammars, each defining a system built-in grammar file (Built-in grammars) (Figure 5, paragraph 47); and

sorting grammar files within the first subset of files and grammar files within the second subset of files according to a second criterion (Figure 5, *grammars are listed in alphabetical order*).

Hambleton does not teach sorting grammar files based on a first criterion that always assigns the first subset of files priority over the second subset of files; simultaneously displaying the first subset of files and the second subset of files within the presentation list such that the grammar files in the first subset of files are presented ahead of elements of the grammar files in the second subset of files; or partitioning the first subset of files and the second subset of files by a visual aid.

Yagi teaches a file handling device and program (see abstract), in which he teaches:

sorting grammar files based on a first criterion that always assigns the first subset of files (*recently accessed file*) priority over the second subset of files (*prespecified file*) (Figures 4(B) and Figure 6, paragraph 66) (*Figure 4(B) shows the*

options of moving files up/down in order and sorting. Also, according of Figure 6, first

subset is given greater priority by being presented before second subset);

simultaneously displaying the first subset of files and the second subset of files

within the presentation list such that the grammar files in the first subset of files are

presented ahead of elements of the grammar files in the second subset of files (Figures

9(B) and 11); and

partitioning the first subset of files and the second subset of files by a visual aid

(Figures 9(B) and 11).

Yagi teaches two types of grammar files: recently accessed files and prespecified

files. Recently accessed files are those files that a user has accessed recently, and

thus may be considered user-defined grammar files. According to figures 4 and 10, the

prespecified files are application files, such as the file "MyApplication.exe" shown in

Figure 11; thus prespecified files represent program files, which may be considered

built-in grammar files.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Hambleton by the teaching of Yagi because

teach sorting grammar files based on a first criterion that always assigns the first subset

of files priority over the second subset of files; simultaneously displaying the first subset

of files and the second subset of files within the presentation list such that the grammar

files in the first subset of files are presented ahead of elements of the grammar files in

the second subset of files; or partitioning the first subset of files and the second subset

of files by a visual aid would enable Yagi's file handling device to be used in a graphical

development environment to provide efficiency of file selection of speech based files

(Hambleton, abstract and Yagi, abstract).

With respect to claims 2 and 24, Hambleton as modified teaches wherein the

method further comprises: selecting the grammar files by a user; and displaying the

grammar files (Yagi, paragraph 79, first sentence; Hambleton, Figure 5).

With respect to claims 3 and 25, Hambleton as modified teaches wherein the

step of visually displaying comprises presenting the presentation list such that each

grammar file is labeled with a label indicating whether the grammar file is a user-defined

grammar file or a built-in grammar file (Yagi, Figures 4(B) and 6) (*Figure 6 shows that*

each file is labeled either recently accessed or prespecified; Hambleton, Figure 5).

With respect to claims 5 and 27, Hambleton as modified teaches wherein the

user-defined grammar files and the built-in grammar files can share the same name

(Yagi; Figures 4(B) and 6) (*Figure 6 shows that both recently accessed files and*

prespecified files may share the same file name, i.e. files name File 1 and File 2. Figure

4(B) shows that "File 1" and "File 2" are actual file names).

With respect to claims 6, 28 and 33, Hambleton as modified teaches wherein the

second criterion is an alphabetical order (Hambleton, Figure 5).

With respect to claims 22, 31 and 35, Hambleton as modified teaches wherein the visual aid for partitioning the first subset of files and the second subset of files includes at least one among a space, a dashed line, and a group header (Yagi, Figure 9(B); Hambleton, Figure 5).

With respect to claim 30, Hambleton as modified teaches wherein the presentation list is at least one among a drop-down list and a list box (Yagi, Figures 6, 9(B)).

9.   Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in view of Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi'), as applied to claims 1-3, 5, 6, 22-25, 27, 28, 30-33 and 35 above, and further in view of Gusmorino et al. (US 2005/0251748 A1, *priority date 3/24/2003*) ('Gusmorino').

With respect to claims 4 and 26, Hambleton as modified teaches visually displaying a presentation list that distinguishes between use-defined grammar files and built-in grammar files.

Hambleton as modified does not teach wherein each grammar file is presented in a text format that indicates the type of file.

Gusmorino teaches a system and method for viewing and editing multi-value properties (see abstract), in which he teaches presenting a list of files such that each grammar file is presented in a text format that indicates the type of file (paragraph 123).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Hambleton by the teaching of Gusmorino because wherein each grammar file is presented in a text format that indicates the type of file would enable an improved way of handling the display of properties, and of managing multi-value properties, to simplify the user's experience in navigating and managing files on a computing system (Gusmorino, paragraph 7).

10.   Claims 7, 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in view of Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi'), as applied to claims 1-3, 5, 6, 22-25, 27, 28, 30-33 and 35 above, and further in view of Sakai (US 2004/0056903 A1, *priority date 7/15/2002*).

With respect to claims 7, 29 and 34, Yagi as modified teaches claims 1, 23 and 32.

Hambleton as modified does not teach wherein the second criterion is a chronological order.

Sakai teaches a directory management program, object display program, directory management method, and directory management apparatus (see abstract), in which he teaches sorting files in chronological order (Figure 6, paragraphs 96 and 159).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Hambleton by the teaching of Sakai because sorting files in chronological order would enable a more efficient method of displaying files by providing a display of files using temporal width, in which one has a concept of temporal distance between files (Sakai, paragraph 15, abstract).

Response to Arguments

11.   Applicant's arguments with respect to claims 1-7 and 22-35 have been considered but are moot in view of the new ground(s) of rejection.

12.   Applicant previously argued that Yagi does not teach "always" assigning the first subset of files priority over the second subset of files because in Yagi the files can be moved up and down in order, according to Figure 4(B). However, just because another option exists, does not mean that the other option (i.e. moving the order of files up or down) will be used. For example, someone who always drinks coffee for breakfast could also have the option to drink orange juice, water or milk for breakfast. However, this does not mean that the person will drink orange juice, water or milk for breakfast. According to the figures of Yagi that present the files in a list, the recently accessed files are always presented ahead of the prespecified files (i.e. see Figures 6, 9(B), and 11), and thus are always assigned priority over the prespecified files; it does not matter that

the order may be adjusted because according to the figures, the order is not adjusted and the recently access files are given priority over the prespecified files. Thus, Yagi teaches sorting grammar files based on a first criterion that always assigns the first subset of files (*recently accessed file)* priority over the second subset of files (*prespecified file*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
April 20, 2009

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164